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SUBJECT: GVN ANNOUNCES PLANS TO SIGN IAEA ADDITIONAL PROTOCOL

REF: HANOI 2102

11. (SBU) Summary and Comment: On December 4, MFA Department of International Organizations Acting Director General Le Hoai Trung met with representatives of the diplomatic community to announce State President Nguyen Minh Triet's decision that Vietnam will sign the IAEA Additional Protocol (AP). The announcement comes in the run-up to IAEA Director General Mohamed ElBaradei's planned December 9 visit to Vietnam to review the country's cooperation with that agency. As Trung's presentation made clear, while the announcement is an important first step, the road to ultimate ratification of the AP could be fairly long as the GVN must first negotiate a final agreement with the IAEA and then satisfy domestic legal, technical and political requirements prior to gaining the National Assembly's approval. End Summary and Comment.

12. (SBU) Trung explained that President Triet's decision was made on November 15, based upon a positive recommendation by Prime Minister Nguyen Tan Dung. With the signing of the AP, Vietnam will have acceded to all international conventions concerning weapons of mass destruction, including the Chemical Weapons Convention, the Biological Weapons Convention, the Treaty on Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear Test Ban Treaty. The decision to proceed with the signing of the AP shows "the GVN's consistent policy in support of peace and disarmament, as well as Vietnam's commitment as a member of the United Nations to strengthen peace and security," said Trung.

GVN Still Needs to Negotiate AP Terms  
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13. (SBU) Trung outlined the next steps for the GVN following the public announcement of the decision, which is scheduled for December 15. After the GVN formally informs Director General ElBaradei of the GVN's intent to sign the AP, he will work with the GVN to prepare an agreement based on the IAEA's model AP. Trung said this would involve "basically filling in the name of the country." When the final terms of the AP are reached, the IAEA Board of Governors reviews the document and, if approved, authorizes DG ElBaradei to sign on behalf of the IAEA. Trung said the GVN hopes the AP can be submitted to the Board of Governors at its March 2007 session, but acknowledged there might not be enough time between now and then to work out all issues.

Domestic Concerns Will Complicate a Final AP Text  
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14. (SBU) The GVN also faces the task of preparing all necessary conditions for eventual ratification of the AP. Trung noted that of the 109 AP signatories, only 70 have ratified the agreement. He declined to estimate when ratification might take place. Also, the

GVN needs to work with the IAEA to resolve a number of technical issues. He cited the treatment of the Dalat nuclear research facility, which he referred to as a "double safeguarded facility." This refers to an existing safeguard agreement with the IAEA, in addition to an IAEA technical cooperation agreement related to the nuclear fuel supplied by the Russian Federation for use at the Dalat facility. While Vietnam's use of nuclear material for peaceful purposes is still minimal, according to Trung, there are questions about whether Dalat will be subject to an inspection regime that could obstruct normal commercial and research activities. He also said the decision will affect an important aspect of Vietnam's domestic policy, and the AP will require meticulous, careful preparation so as to address the concerns of critics within the GVN who question the need for the AP given the minimal level of Vietnam's nuclear activities and the "double safeguarding" already in place regarding the Dalat facility.

15. (SBU) Prior to ratification, GVN agencies will also have the task of developing a technical and legal basis for implementing the AP. Trung cited the GVN's experience with the Chemical Weapons Convention, in which case it was necessary to adopt a separate law to cover aspects not addressed in the Criminal Code. He also said implementation of the AP and related legislation must not contradict Vietnam's possible future use of nuclear power for civilian purposes.

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